

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHENECQUA BUTT, et al :

CIVIL ACTION

v.

NO. 09-4285

UNITED BROTHERHOOD OF
CARPENTERS & JOINERS OF
AMERICA, et al

THERESA HOWARD :

CIVIL ACTION

v.

NO. 13-374 (consolidated with 09-4285)

METROPOLITAN REGIONAL
COUNSEL OF CARPENERTS &
JOINERS OF AMERICA, et al

ORDER

AND NOW, this 28th day of December 2017, following upon submissions from counsel regarding Motions for Leave to Intervene for Recognition and Enforcement of Lein and Motions for Recognition and Enforcement of Lein in Civil Action No. 13-374 and Civil Action No. 09-4285, and as discussed during the recorded telephone conference held on December 21, 2017, **IT IS HEARBY ORDERED THAT:**

1. Mr. Paddick's Motions for leave to intervene for recognition and enforcement of lein are hereby **GRANTED**.
2. Plaintiffs is **GRANTED LEAVE** to file surreplies to Mr. Paddick's motions by **January 5, 2018**. These surreplies must be limited to addressing only what is in Mr. Paddick's replies and has not already been briefed.

3. A hearing shall be held in the United States District Court for the Eastern District of Pennsylvania, 601 Market Street Courtroom 3H, Philadelphia, Pennsylvania on **January 19, 2018** commencing at **10:00 a.m.** Parties are directed to present argument and evidence in support of their respective positions.
4. Parties shall submit a pre-hearing memorandum by **January 16, 2018** which will set out their position—both factually and legally—and will identify any witnesses to be called at the hearing, the expected substance of evidence to be presented, any exhibits they will rely upon in support of their position, and a list of what they believe are uncontested facts. Sworn declarations will be considered by the Court but may be subject to lesser weight if the declarant is unavailable for cross examination.
5. The November 14, 2017 Order (Doc. No. 309 in 09-4285 and Doc. No. 119 in 13-374) is **VACATED** and:
 - a. Understanding that movant seeks some portion of settlement proceeds from Defendants in the underlying litigation which is less than the settlement fund, Ms. Thompson is **GRANTED LEAVE** to disburse as appropriate that portion of the fund in excess of Mr. Paddick's asserted leins. The contested portion must be maintained in Ms. Thompson's escrow account pending resolution of the motion.
 - b. Mr. Paddick is **GRANTED LEAVE** to disburse Ms. Mitchell's portion of the settlement fund, subject only to the sum of \$8,000 which is proported to be the subject of a claim brought by Ms. Butt against the Mitchell fund even though no formal lein has been filed. We will, however, **GRANT LEAVE** to Ms. Butt to

assert a lein by **Friday, January 5, 2018.**

IT IS SO ORDERED.

BY THE COURT:

/s/ David R. Strawbridge, USMJ
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE